IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS

ν.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

AFFIDAVIT OF SUSAN LAMBIASE IN SUPPORT OF PLAINTIFFS' EXPEDITED MOTION FOR A RULE 35(a) ORDER REQUIRING DEFENDANTS TO PRODUCE NAMED PLAINTIFF JOHN A. FOR MENTAL EXAMINATION

STATE OF NEW YORK) .ss.: COUNTY OF NEW YORK)

SUSAN LAMBIASE, being duly sworn, deposes and says:

- 1. I am a member of the Bar of the State of New York, admitted to practice in the Southern District of New York, and admitted *pro hac vice* to this Court. I am the Associate Director of Children's Rights, and Counsel for Plaintiffs in the above captioned case.
- 2. On August 10, 2005, I sent a Certificate of Good Faith to Betty Mallett, counsel for Defendants, and in accompanying correspondence, asked her to sign and return the Certificate of Good Faith to me by August 12, 2005, 12 noon Central Daylight Time, if she were unable or unwilling to agree by that time to provide counsel for Plaintiffs access to our client, John A. for examination. (See Ex. F)

ExKibit

3. On August 12, 2005, Ms. Mallett responded to my letter, stating that she would be unable to give me an answer about access to our client until August 23, 2005. She has not signed and returned the Certificate of Good Faith.

Sworn before me, this 12th day of August, 2005

MAKCIA K. LOVVRY
Notary Public, State of New York
No. 02LO5051814